

A meeting of the Jasper County Plan Commission was held Monday, January 25, 2016 at 7:00 pm in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Gerrit DeVries, Jim Martin, John Korniak, Sandra Putt and Bryan Overstreet. Also present: Todd Sammons, Randle and Sammons, Mary Scheurich, Director of Planning and Development; Kelli Standish, Secretary. Absent were: Jim Walstra, Todd Peterson, Vince Urbano and Justin Rodibaugh.

Meeting was called to order by Board President Sandra Putt. The first order of business was the call for approval of the November 2015 minutes.

Bryan Overstreet made the motion to approve the November 2015 minutes. Motion was seconded by Gerrit DeVries and carried unanimously.

Election of Officers for 2016

Motion was made by Jim Martin and seconded by John Korniak to retain the same officers from the previous year. Motion carried unanimously.

Officers for 2016 are as follows:

President -----	Sandra Putt
Vice President -----	Bryan Overstreet
Secretary -----	Jim Martin

Amendment to the UDO

Cause#PC-3-15

Public hearing held pursuant to notice November 12, 2015 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Mary Scheurich stated that there are a few changes that are being proposed to you tonight that were not proposed to you last month. There were a few questions from last month's meeting that she will be addressing as well. There was an issue with the Highway Commercial zoning requiring 1.5 acre parcels when we don't have that requirement in any other zoning district for subdivisions. The reason that is, is because we don't allow subdivisions in the Highway Commercial zoning district. If someone happened to fall within that zoning district and wanted to build a home they could not do that with the current code book.

Bryan Overstreet asked if they would have to come before the board for a Special Exception since it states that in the proposed changes.

Mary Scheurich replied affirmatively. The A1, A2 and R1 district have a minimum of 1200 sq.ft. for a single dwelling and the proposed change is for the

minimum to be 1,000 sq.ft. In the past we required them to be 980sq.ft. and since the UDO has come out we have had several people have to change their house plans because they did not meet the 1200sq.ft. size. If you build in a subdivision then the covenants will have a restriction of what size the home has to be. In the A2 zoning district the side set-back for a primary structure is 30 ft. and the proposed change is to make it a 12ft. side set-back. Under the Keeping of Animals standards there has been a note added that says "Note: This section is separate from the confined feeding use described in Section 5.17: confined feeding standards."

Bryan Overstreet asked if the statement in the redbox that is located in the top right corner in the Keeping of Animals Standards will remain there.

Mary Scheurich replied that information in the redbox states "Area shall be set aside exclusively for the animals(s) and separate from the building envelope and associated well and septic system for residential structure (if applicable)" and it will be within the area and not showing as a redbox.

Bryan Overstreet stated that on the pond standards, the set-backs are 40 feet but there are some herbicides and manure that the set-backs are 200ft. Could we add the 200ft. set-back to the A1, A2 & A3? The board agreed to the 200ft. set-back.

Mary Scheurich replied that adding the set-back is up to the board members. In Section 9-11 and in all the procedures she would like this sentence removed "The Zoning Administrator shall inform the petitioner, in writing, of the date and time of the board of Zoning Appeals meeting at which the appeal is to be heard." When we have someone come into our office to file for an application they are told then when and what time the meeting dates are available so they can proceed with their paperwork. Also there is a sign that the applicant has to put on their property 10 days before the meeting date that has the time and date located on it. She feels the applicants not need something in writing from her stating these facts when they already are aware of them.

Attorney Sammons replied that under the Administrative Appeal (page 9-11) this would be when someone is appealing a decision that Mary Scheurich makes?

Mary Scheurich replied affirmatively.

Attorney Sammons replied that the Administrative Appeal is different from the other procedures where the applicant files an application that goes before the board.

Mary Scheurich replied affirmatively and we could leave that part about the written date and time under the Administrative Appeal.

The board members are in favor of taking out that section of the code under the procedures.

Mary Scheurich stated that under Section 7-28 Surety Standards there has been

some language that has been added. She believes that is State Statute. Also under Section 9-40 variances she had a suggestion of adding some language. B. Project applicability: 1. Reads as follows: "Projects within the jurisdictional area of the Plan Commission that are unable to meet the provisions of the Unified Development Ordinance may apply for a variance." The suggested language would read as follows: "Projects within the jurisdictional area of the Plan Commission that are unable to meet the provisions of the Unified Development Ordinance, **or in which the applicant presents practical and valid reasons to justify a deviation from the stated regulations.**" She felt that was good language to add and Attorney Sammons had comments to that added language.

Attorney Sammons replied that he understood the thought process of the added language but his concern is that might be adding language to our ordinance that is less restrictive than the State Standards which are meeting all those 5/6 criteria's for the type of variance they are requesting. He felt that the current language is fine the way it is written because they have to prove the facts of why they need the variance and this is a State Statute.

Gerrit DeVries stated that there is a reason why there is an application for a variance and anyone should be allowed to apply for one and prove to the board why they are requesting a variance. Not all properties are going to be a rectangle piece of property. If we didn't allow people to apply for a variance then why do we need the board and the members? The Plan Commission and Board of Zoning Appeals have to hear an application with an open mind.

Mary Scheurich stated that she had a suggestion to change under the Confined Feeding Level 2 & Level 3 (page 11-9) where it states: 600 or more swine, but less than 4,000 be changed to less than "5,000." That suggestion is based on new farm quad barns and these quad barns usually house 4,000 swine. They will still have to meet all IDEM requirements as well.

That is all the changes that she has to discuss with the board members.

Gerrit DeVries asked under Village Residential district page 2-20 we never allowed raising of farm animals in this zoning so why are we proposing that change to be allowed?

Mary Scheurich replied that we do have a few Village Residential zoning areas in the county and some of those areas do have larger lots and they may have had animals on these lots before we had zoning code. They do still have to meet the Keeping of Animal Criteria's for that zoning district.

Gerrit DeVries stated that you were going to check under the Lot Frontage for the minimum of 10ft. for the driveways to see if that is a change we want to make.

Mary Scheurich replied that she did check with Debbie who is putting together the proposed code book the "Lot Frontage requirement for a farmstead in existence at the time this ordinance was adopted is a minimum of ten (10) feet on either side of the

existing driveway that serves the farmstead.” In that instance if there is an existing house that sits way off the road they could sell that off with 10 feet on either side of the existing driveway with a minimum of 30 feet of road frontage.

The board members agreed that it makes sense for an existing farmstead home that sits off the road to not have a lot of road frontage and only have a minimum of 30 feet or so.

Mary Scheurich stated that we received a letter in our office from Tom Mathis stating some concerns or areas that he thought needed to be looked over in the Code Book. She then asked if Mr. Mathis wanted to speak on behalf of his letter.

Tom Mathis was present and stated that he was asked to put in writing what his concerns are so that is what he did. One concern is the Accessory Structure Definition; he doesn't think that an Accessory Building should be used as a dwelling. What does the Accessory Structure definition mean? Also under Accessory Structure definition #7 it says “Is not designed for human occupancy as a dwelling or commercial use.” He is also concerned that the code allows a Type 3 home base to run a business from an accessory structure.

Mary Scheurich explained that Post Frame dwellings are permitted uses in Jasper County like any other dwelling, provided they are built to code. A post frame building is an accessory structure to the primary structure. She can not answer the part of the definition of the commercial.

Tom Mathis another concern is the Confined Feeding Standards property in common ownership and setbacks (Sec.5.16 & 5.17). Section 5.16 DF-01 B #2 “Property in Common Ownership: Contiguous lots owned by the owner of the confined feeding operation shall be considered one (1) lot for the purpose of meeting the minimum setback requirements. A stream, road, or railroad that separates commonly owned properties shall not negate contiguity. When contiguous lots are used to meet the minimum setback standards the following provisions apply to the subject site (i.e. the actual lot the confined feeding operation is located).” Max L. Farms made an application last year and had 1?? Acres and they were fully capable of complying with that being one lot and he when they came before the board their property was in two different parcels. How can they do that?

Mary Scheurich stated that the parcels do not have to be combined.

Tom Mathis stated that the applicant Max L Farms came before the Plan Commission to rezone 99 + acres and the County Commissioners only rezoned 35 acres. How can the County Commissioners make that decision to only rezone 35 acres when the applicant wasn't at the meeting?

Mary Scheurich replied that she believes the County Commissioners only rezoned 35 acres, they didn't do anything else to the remaining acreage.

Tom Mathis stated that another concern is the Village Residential lot size and sewer and water requirements (Sec.2.20) states that the minimum lot area is to be 5,000 sq.ft, the minimum lot width is to be 40ft. and the sewer and water says public sanitary sewer and water utility not required. It seems like you would want your well appropriately far enough away from your septic system.

Mary Scheurich replied in Jasper County your well and septic system have to be 100ft. apart. Just because this allows a minimum doesn't mean it will meet the Health Departments standards. In order to obtain a building permit that requires a well and septic you have to have those permits first and if you do not get those permits from the Health Department then you do not get your building permit from us.

Tom Mathis stated that another concern is the Special Exception Standards (Sec.5.80), the application you heard tonight runs with the land because you didn't put any commitments to that property. That's where he has a problem with. Why don't we just zone the people properly if these things are going to run with the land? Special Exception or Variances are not reflected on these zoning maps and when people buy into an area and they look into the zoning code because people don't want to buy into an area where there is industrial business. These variances and special exception are going to run with the land and he has a serious problem. He elect's the commissioner to oversee the growth and development of the county when everything runs through the BZA with no secondary glance at what the petitioner is applying for the decisions go without secondary review and if things are going to run with the land he thinks they need to be zoned properly. That's where he has a problem with the use variances and that's why the state makes it very difficult to grant them with their criteria. We have had several come before the board just in the past couple of months that were fully capable of complying with the code but applied for a variance because they did not want to comply. That is not what a variance is designed for. It's designed to be a safety (belt ?). He thinks the language should remain the way it is in the jurisdiction part (Section 9.19). The State places that criteria to make it difficult. We need to get back to the basics of planning is a positive tool and when you continue to allow these variances and special exceptions I don't think we are going to reach the objectives in the Comprehensive Plan.

Gerrit DeVries stated that you have to be flexible with the applications that come before the board. The code book is to give us guidelines.

Gerrit DeVries made the motion to approve the recommendations that have been stated by Mary Scheurich in Draft 3 and with some of the recommendations that have been mentioned tonight as well. There will be a Plan Commission public hearing advertised to hear the final draft. Motion was seconded by Bryan Overstreet and carried unanimously.

Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

Sandra Putt, President